

## Rent Rate Not Held to 10%, Court Explains

Reasonableness May Vary With Financial Conditions, Brooklyn Judges Rule in Appeal Case

Woman Owner Is Upheld

Decision Corrects Impression Opinion in June Set a Definite Limit

The Brooklyn Supreme Court, in Appeal term yesterday, held that "the reasonableness of a rent charge may vary under changing financial conditions," correcting the prevalent impression that the same court had ruled in June, 1921, that 10 per cent had been established as a proper return for landlords on their properties.

The decision was in the case of Mrs. Mary T. Kelly against Isaac Medford, one of her twenty-eight tenants at 55, 57, 59 and 73 Meserole Street, Brooklyn. When her tenants refused to abide by a jury's verdict before Municipal Court Justice James A. Dunne, allowing an increase in their rents of \$250 a month, Mrs. Kelly carried the case to the Appellate term, which yesterday affirmed the lower court's decision with \$10 costs against Medford, who had been made the defendant in a test case.

Holds Verdict Just  
"The verdict of the jury," Justice Crosey, Lazansky and Fisher held, "was warranted by the facts in the case. In this case, as in other cases and in other places, there has been an unfortunate misunderstanding as to what was decided by this court in *Hirsch v. Weiner*, June term, 1921. The court did not decide that a 10 per cent return upon the value of the property was a conclusive and invariable standard. On the contrary, the court clearly held that it depended upon the conditions of the financial market. Attention should be directed to the following in the opinion:

"In the case at bar the landlords stipulated that they would accept 7 per cent on the fair value of the premises as the proper amount of net income. We think that this is not only fair, but that a larger rate of income would be fair. The evidence shows that at the present time one can buy with reasonable safety first mortgage coupon bonds that are producing income at 8 per cent to 8½ per cent. The investors in real estate, if building or housing is to be encouraged, should at least get as much income from real property, with all its attendant trouble, as the investors in mortgages and realty and franchises.

"Then, in laying down a way to determine various questions involved, it was said, among other things:

Reasonableness May Vary  
"If this net rental does not exceed 10 per cent of the present value of the property, then the rent demanded is not unreasonable. The reasonableness of a rent charge may vary under changing financial conditions. Upon the proof in this record showing the return upon other well recognized and generally accepted forms of investment, we think

that 10 per cent, as a net return to an owner of real property is not unreasonable, but such a percentage might be excessive if the evidence showed a different situation regarding other investments."

"We are unable to say in this case that a return of over 8 per cent to the landlord as a result of the jury's verdict and upon the basis of a valuation of \$50,000, upon which the landlord argued her case in this court, is less than reasonable in the absence of any proof as to the return on good securities at the time of this trial."

Eggs Drop 22 Cents  
A Dozen in Two Weeks

Slump in Price Laid to Unusual Production Because of the Warm Weather

The great reduction in the wholesale prices of the varying brands of eggs has increased the demand, according to a statement issued yesterday by the State Department of Farms and Markets. Some stores, however, are charging profiteering prices.

At the end of the week the best white eggs from nearby commercial henneries were selling wholesale at 48 cents a dozen; the best brown eggs sold from 42 to 45 cents. The price for white eggs is 22 cents less than two weeks ago.

Egg producers in this state are in a state of consternation, it is said, because of the state of the market, some of them declaring it spells ruin and being of the belief that they are the victims of sinister manipulation. The State Department of Farms and Markets, however, explains the condition of the market as being that the production of fresh eggs is much heavier than usual because of the unusually warm weather. Cold storage warehouses contain nearly three times the number of eggs held at this time last year.

Dr. Lorenz Announces  
Three Clinics for Week  
Will Examine Queens Patients and Go to Staten Island on January 23

Dr. Adolf Lorenz will conduct a clinic Monday morning at the Health Department Building, 505 Pearl Street, it was announced yesterday. On Wednesday he will hold a clinic at 430 Fulton Street, Jamaica, Queens; on Friday at 128 East 133d Street, and on Monday, January 23, at 514 Bay Street, Stapleton, S. I.

On Friday Dr. Lorenz operated on three patients at Gouverneur Hospital before an audience of local physicians and nurses. Two of the cases were congenital dislocations of the hip and the third was a muscle stretching operation of the foot and knee. After the operations Dr. Lorenz consulted with his auditors, who included Dr. James Winter Brannan, chairman of the board of trustees of Bellevue Hospital; Dr. George O. Hanlon, superintendent of Bellevue, and Dr. Kellogg, director of the surgical division of Gouverneur Hospital.

Father Pays for Auto Hurts  
Daughter Awarded \$1,198 for Injury in Accident

PANGOR, Me., Jan. 14. Lorenzo D. Hatch, of Corinna, was ordered by a Superior Court jury to pay his daughter, Mrs. Jennie McKenny, of Dexter, damages of \$1,198 for injuries she suffered in an automobile accident. Mrs. McKenny, who alleged her injuries were due to reckless driving by her father, sued for \$5,000. Mr. Hatch appeared.

## Franklin Simon & Co.

Fifth Avenue, 37th and 38th Streets

Monday

### January Sale of WOMEN'S HOSIERY Of Silk, Wool or Lisle

Taken From Our Regular Stock, Including Our Own Importations of English Wool Hosiery

#### Pure Thread Silk Hose

Black, white, African brown, cordovan, taupe, gray, beige, navy; full fashioned; lisle sole and garter top.

Reduced from \$1.75 **1.25**  
Three Pairs for \$3.70

#### Pure Thread Ingrain Silk Hose

Black, white or brown, full fashioned; with silk garter top.

Reduced from \$2.75 **2.25**  
Three Pairs for \$6.65

#### Openwork Clox Pure Thread Silk Hose

Black, white or brown, full fashioned hose; with lisle sole and lisle garter top.

Reduced from \$2.85 **2.50**  
Three Pairs for \$7.45

#### Imported English Wool Hose Broad Ribbed to Toe

Brown, or brown and blue heather.

Reduced from \$2.75 **1.95**  
Three Pairs for \$5.80

#### Imported English Wool Hose Derby Ribbed to Toe

Brown heather, oxford or lovat, plain tops; full fashioned with reinforced heel and toe.

Reduced from \$3.75 **2.95**  
Three Pairs for \$8.75

#### Pure Thread Ingrain Silk Hose

Heavyweight ingrain black silk hose of extra quality, full fashioned; lisle sole and garter top.

Reduced from \$1.85 **1.65**  
Three Pairs for \$4.90

#### Pure Thread Ingrain Silk Hose

Black, white, browns, gray, taupe; full fashioned; lisle sole and top.

Reduced from \$2.00 **1.75**  
Three Pairs for \$5.20

#### Hand Embroidered Clox Pure Thread Ingrain Silk Hose

Black with black or white novelty or plain clox; also white with black, full fashioned; silk top.

Reduced from \$3.50 **2.95**  
Three Pairs for \$8.75

#### Imported English Wool Hose With Hand Embroidered Clox

Brown heather, black or brown clox; full fashioned.

Reduced from \$3.50 **2.95**  
Three Pairs for \$8.75

#### Imported English Cashmere and Silk Mixed Hose

Cordovan and white, navy and white or green and white; full fashioned with reinforced heel and toe.

Reduced from \$3.35 **2.95**  
Three Pairs for \$8.75

#### Superior Quality Lisle Thread Hose

Black or white; full fashioned, spliced heel, garter welt; also in white cotton.

Reduced from .75 **.55**  
Six Pairs for \$3.10

FEMININE HOSIERY SHOP—Street Floor

## Franklin Simon & Co.

Monday—For Women and Misses

Kayser's Silk Underthings Are Underpriced So Rarely and When They Are It Is An Event

### Kayser's Italian Silk Underthings

At Reduced Prices—Many at Half Regular Price

Elaborately Lace Trimmed or Simply Tailored Models in Flesh Color or Orchid

#### Kayser's Italian Silk Vests

Elaborately lace trimmed or tailored models.

Reduced from \$4.75 to \$6.50 **3.25**

#### Kayser's Italian Silk Envelope Chemises

Elaborately lace trimmed or tailored models.

Reduced from \$6.50 to \$8.50 **4.95**

#### Kayser's Italian Silk Knickers or Step-In Drawers

Elaborately lace trimmed or tailored models.

Reduced from \$4.75 to \$8.50 **3.95**

#### Kayser's Italian Silk Step-In Chemises

Elaborately lace trimmed or tailored models.

Reduced from \$9.75 to \$12.95 **5.95**

#### Kayser's Italian Silk Underbodies

Elaborately lace trimmed or tailored models.

**1.95**  
Reduced from \$2.95 to \$4.95

NO EXCHANGES

NO CREDITS

FEMININE GLOVE SILK UNDERTHINGS SHOP—Street Floor

## Franklin Simon & Co.

Fifth Avenue, 37th and 38th Streets

Monday

### January Sale of WOMEN'S GLOVES

At Large Price Reductions

Taken From Our Regular Stock and Including Our Own Importations of the Finest Qualities

#### Imported French Glace Kidskin Two-Clasp Gloves

White, black or colors; overseam sewn.

Reduced from \$1.75 & \$2.00 **1.15**

#### Imported French Glace Kidskin One-Clasp Gloves

White with black or black with white embroidery; pique sewn.

Reduced from \$3.00 **1.95**

#### Imported 8 or 12 Button French Suede Gloves

White and the fashionable street shades.

Reduced from \$4.00 **2.65**

#### Imported Slip-On English Doeskin Gloves

Natural color or white; also two-button models.

Reduced from \$3.50 **1.95**

#### Imported 12 and 16 Button French Glace Kidskin Gloves

White and street shades.

Reduced from \$4.00 & \$5.00 **3.50**

#### Imported Slip-On French Novelty Gloves

White with embroidered designs

Reduced from \$5.95 & \$10.50 **4.25**

#### Capeskin Gloves in One-Clasp Models

Tan, brown or gray; P X M sewn.

Reduced from \$2.00 **1.35**

#### Slip-On or Gauntlet Capeskin Gloves

Tan, mastic, pearl, beaver, gray or brown.

Reduced from \$3.75 & \$4.50 **2.50**

### WOOLEN SPORTS GLOVES

For Skating or Walking

#### Imported Woolen Gauntlet Gloves

White, black, heather, gray, mode or lovat; also wrist-length models.

Reduced from \$2.00 **1.25**

#### Slip-On Novelty and Genuine Angora Wool Gloves

White and gray or white with novelty borders or tops.

Reduced from \$4.50 **1.75**

FEMININE GLOVE SHOP—Street Floor

## Franklin Simon & Co.

Monday—For Women and Misses

Heretofore Identified Only with the Most Expensive Underthings, Here Identified with Low Prices

### Exclusive Crêpe Satin Underthings

New Spring Fashions—At January Prices

Copies of Paris Models, Tailored or Real Lace Trimmed, Orchid, Peach or Blue

#### Vest Chemises

Tailored models with fil tire edge and French flowers.

**3.75**

#### Step-In Chemises

Tailored models, fil tire edge, French flowers.

**3.95**

#### Step-In Chemises Trimmed With Real Filet Lace

Hemstitching and French flowers.

**6.75**

#### Step-In Drawers

Tailored models with fil tire edge and French flowers.

**3.75**

#### Nightgowns

Tailored models, fil tire edge, French flowers.

**6.95**

#### Nightgowns Trimmed With Real Filet Lace

Hemstitching and French flowers.

**9.75**

NO EXCHANGES

NO CREDITS

FEMININE SILK UNDERTHINGS SHOP—First Floor—Take Elevators.

## Franklin Simon & Co.

A Store of Individual Shops

FIFTH AVENUE, 37th and 38th STS.



For Madame's  
Immediate Wear

Homestead

(Reg. applied for)

## Tweed Suits

of  
IMPORTED TWEEDS

An Origination of and Exclusive  
with Franklin Simon & Co.



OUR TWEEDS AND THE  
TWEEDS OF THE HOUR

Four Models  
Twelve Colors

**45.00**

EXCLUSIVE BOTH AS A  
VOGUE AND A VALUE

A FINE surface, long-service  
tweed in suits for sports  
or shopping—motor, mart or  
moorland—tea, sea or tee.

Homestead Tweed Suits are  
so tailored they can not be  
crushed, creased or copied.

WOMEN'S CUSTOMIZED SUIT ROOM—First Floor